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REMARKS

Status of Claims

Claims 1-7 and 11-14 are pending in the application. Claims 1-7 and 9-14 stand rejected. Claims 1 and 5 have been amended. Claims 3-4 have been canceled in view of redundancy. Favorable reconsideration is respectfully requested in light of the following remarks.

Rejection Under 35 U.S.C. 112

Claims 1-6 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particular point out and distinctly claim the subject matter which application regards as the invention.

Applicants have amended claim 1 to omit the phrase "in the filament forming process" to provide clarity to the "size applicator".

Applicants respectfully request that the 112 rejection of claims 1-6 be withdrawn.

Rejection Under 35 U.S.C. 102(b)

Claims 1-5, 7, 12 and 13 stand rejected under 35 U.S.C. 102(b) as being anticipated by Bohy (4,071,341).

The Office states that Figures 2-3 show the bushing 10, the first nozzle 13, the second nozzle 15, and 16 is the gathering shoe.

Applicants respectfully traverse this rejection. Nowhere do Bohy et al. teach or suggest "an air-emitting nozzle" as Applicants claim (independent claims 1 and 7). Further, the Office states, on page 5, paragraph 3, of the Office Action dated 1/24/2006, that "Bohy does not explicitly teach a specific nozzle for the cooling – which emits air."

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Claims 2 and 5 depend from claim 1 and claims 12 and 13 depend from claim 7. Dependent claims 2 and 5 and 12 and 13 contain the limitations of either claim 1 or claim 7. Applicants respectfully submit that claims 1-5, 7, 12 and 13 clearly define over Bohy et al. Accordingly, Applicants respectfully request that the 102(b) rejection of claims 1-5, 7, 12 and 13 be withdrawn.

Rejection Under 35 U.S.C. 103(a)

Claims 1-5, 7, 12 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bohy (4,071,341) in view of Haruch (6,161,778).

The Office states that Bohy does not explicitly teach a specific nozzle for the cooling – which emits air. Haruch teaches an improved nozzle for cooling (col. 1, lines 10-67). The Office states that it would have been obvious to use the Haruch cooling nozzle in the Bohy device, because it gives enhanced liquid particle breakdown and distribution, is more versatile and can be easily customized as disclosed by Haruch.

It is respectfully submitted that the Office Action does not meet the criteria for establishing a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the applied reference must teach or suggest all the claim limitations. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. Further, the fact that the claimed invention is within the capabilities of one of ordinary skill in

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the art is not sufficient by itself to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. See MPEP §2143.

Haruch teaches an air assisted spray nozzle for enhanced liquid particle breakdown and distribution. Haruch teaches a spray nozzle having a main body 12 formed with a central liquid inlet passage 14 and an annular surrounding gas inlet passage 16 (col. 2, lines 66-67 to col. 3, line 1). Nowhere does Haruch teach or suggest an air emitting nozzle as Applicants' claim.

Haruch specifically teaches at col. 3, lines 20-27, that:

"Pressurized gas in the annular gas inlet passage 16 is directed into the expansion chamber 32 through a plurality of radial air passages 34. Thus, as will be understood by one skilled in the art, the pressurized liquid introduced through the liquid inlet passage 14 is accelerated through the restricting orifice 30 into the expansion chamber 32 where it is broken up and pre-atomized by a plurality of pressurized air streams directed through the radial passages 34."

It would not have been obvious to one of ordinary skill in the art to use the Haruch nozzle because the nozzle taught by Haruch clearly teaches a nozzle emitting both air and liquid, not an air-emitting nozzle, as Applicants claim.

Claims 6, 11 and 14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bohy (4,071,341) (with or without Haruch 6,161,778) as applied to claims 3 and 11, and further in view of Loeffler (4,168,959).

As indicated above, the Office states that Bohy does not explicitly teach a specific nozzle for the cooling – which emits air. Further, Haruch clearly teaches a nozzle emitting both air and liquid, not an air-emitting nozzle, as Applicants claim. Applicants respectfully submit that a *prima facie* case of obviousness cannot be established. To establish a *prima facie* case of obviousness, the applied references must teach or suggest all the claim limitations.

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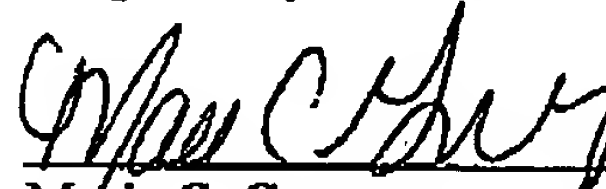
Claims 6 depends from independent claim 1 and 11 and 14 depend from independent claim 7. Dependent claims 6, 11 and 14 contain the limitations of either claim 1 or claim 7. Applicants respectfully request that the 103(a) rejection of claims 6, 11 and 14 be withdrawn.

Conclusion

In view of the above, it is submitted that claims 1-7 and 11-14 are in condition for allowance. Reconsideration of the rejections is requested. Allowance of all claims at an early date is solicited. If any questions should arise with respect to the above Remarks, or if the Examiner has any comments or suggestions to place the claims in better condition for allowance, it is requested that the Examiner contact Applicants' agent at the number listed below.

Applicants authorize any fees required pertaining to this response be charged to Deposit Account No. 50-0568.

Respectfully submitted,


Maria C. Gasaway
Registration No. 51,721

Law Dept./Attn. Docket Administrator
Owens-Corning
2790 Columbus Road, Building 11-7
Granville, Ohio 43023

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(740) 321-7213